

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 530

(Senator Middleton, *et al.*)

Finance

Health and Government Operations

Hospitals - Patient's Bill of Rights

This bill establishes the minimum required contents of a hospital's patient's bill of rights. A hospital administrator must make the patient's bill of rights easily accessible to all patients and visitors and offer each patient a written copy of the hospital's patient's bill of rights. A hospital's patient's bill of rights must be adopted under nationally recognized hospital accreditation organizations standards and aligned with specified federal regulations.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for some State hospital facilities to provide translators, interpreters, or other accommodations. The bill is not anticipated to materially affect compliance or enforcement activity for the Office of Health Care Quality. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: If a patient (1) does not speak English; (2) requires the patient's bill of rights in an alternative format; or (3) is illiterate; a translator, interpreter, or other accommodation must be provided to assist the patient in understanding and exercising his or her rights. A hospital administrator must provide annual training to all patient care staff members to ensure the staff's knowledge of the patient's bill of rights.

The patient's bill of rights must, at a minimum, address in plain language that a patient has a right to:

- patient privacy and confidentiality;
- informed decision making and informed consent;
- visitation;
- advance directives;
- access to patient medical records;
- complaint and grievance processes;
- freedom from physical or mental abuse, neglect, harassment, and mistreatment; and
- communication in a manner the patient can understand.

Current Law/Background: Each hospital administrator is responsible for making available to each patient in the hospital a copy of the patient's bill of rights that the hospital adopts under Joint Commission guidelines. The patient's bill of rights must include a statement that the patient has a right to expect and receive appropriate assessment, management, and treatment of pain as an integral component of the patient's care.

According to the Maryland Hospital Association, each hospital has a patient's bill of rights in place that conforms to Joint Commission requirements, and the document is one of the first items reviewed by a surveyor during hospital licensure or compliance surveys.

Additional Information

Prior Introductions: Similar legislation, SB 660 of 2017, received a hearing in the Senate Finance Committee and was subsequently withdrawn. Its cross file, HB 808 of 2017, received a hearing in the House Health and Government Operations Committee and was subsequently withdrawn. SB 661 and HB 587 of 2016, also similar legislation, received a hearing in the Senate Finance and the House Health and Government Operations committees, respectively, and were subsequently withdrawn.

Cross File: HB 562 (Delegate K. Young, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Maryland Hospital Association; Department of Legislative Services

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